

to regulate the use of its property. The court remarked, "We are of the opinion that the power of the Government to regulate the traffic of those highways, as it has done by congressional enactment and rules thereby authorized, rests on the secure footing that it is a valid exercise of control over the property of the Government, even though it is of the nature of police power."<sup>12</sup>

A defendant was charged with murder committed in a box car on a railroad right-of-way within Fort Robinson Military Reservation in Nebraska. Before the State ceded jurisdiction over the reservation to the United States, the United States had granted this right-of-way to the railroad company. The Court held, however, that the United States had jurisdiction over the right-of-way because "the Federal jurisdiction may be considered to be essential to the appropriate enjoyment of the reservation for the purposes to which it was devoted."<sup>13</sup>

**6. Police laws of State cannot interfere with exercise of national powers.**—The conclusions reached by the courts in the cases discussed above were based upon the specific ground that a State cannot interfere with the Federal Government's constitutional use of its own property. This sovereign immunity of the Federal Government with respect to the use and control of its property rests also upon the broader, basic doctrine that no police power of a State can be exercised so as to impede, obstruct, burden, or interfere with any national power. This immunity emanates from the Constitution itself and exists without regard to whether the State has by statutory action surrendered to the Federal Government any measure of its own jurisdiction reserved to it by the Constitution.<sup>14</sup>

This immunity is called Exclusive Legislative Jurisdiction

Ensuing chapters will discuss situations wherein the States have by statutory enactment agreed to allow the Federal Government to exercise on its own land within their respective borders certain powers beyond those which it may claim by virtue of the sovereignty vested in it by the Constitution.

## CHAPTER II

### RESPECTIVE CONSTITUTIONAL POWERS OF STATE AND FEDERAL GOVERNMENTS OVER LANDS OF UNITED STATES WITHIN STATES

**7. State laws cannot prevent or hamper acquisition of land by United States.**—It was shown in the preceding chapter that a State cannot in any manner restrict the Federal Government in

<sup>12</sup> *Robbins v. United States*, 284 Fed. 39, 45.

<sup>13</sup> *United States v. Unzeuta*, 281 U. S. 138, 143, 50 S. Ct. 284.

<sup>14</sup> *Jacobson v. Massachusetts*, 197 U. S. 11, 25, 25 S. Ct. 358; *Gibbons v. Ogden*, 9 Wheat. 1, 210; *Sinnot v. Davenport*, 22 How. 227, 243; *Missouri, Kansas & Texas Ry. Co. v. Haber*, 169 U. S. 613, 626, 18 S. Ct. 488.